

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Dan M. Hayes et al.
Serial No.: 09/942,899
Filed: August 30, 2001
For: Apparatus and Method for Conveying Gobs
of Glass to a Glass Container Forming Machine
Art Unit: 1731
Examiner: [Application has not been examined.]
Confirmation No.: 9846
Attorney Docket No.: 17783 USA

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**REQUEST FOR WITHDRAWAL OF PETITION TO REVIVE UNDER
37 CFR 1.137(b), (c) AND (f)**

09/942,899

Sir:

Applicant filed a Petition to Revive under 37 CFR 1.137(b), (c) and (f), ("Petition"), which was stamped by the Patent and Trademark Office ("PTO") as being received on May 12, 2003. Applicant has not received a Decision on its Petition.

Applicant now requests that it be allowed to withdraw its Petition.

Remarks

At the time that Applicant filed its Petition, there was confusion surrounding the Notice of Recission of a Non-Publication Request ("Recission"). Applicant reviewed certain patent case files that it had identified as being potentially affected by the above Recission rule, based on what Applicant believed to be accurate information. As a result, a Petition was filed in the PTO for each of several patent cases, one of them being for the instant application Serial No. 09/942,899.

Upon obtaining clarifying information issued by the PTO, Applicant made a second review of the above-mentioned case files. Based on this further review with the additional information at hand, Applicant has determined that the aforesaid Petition was filed in error in that Applicant's Recission was date-stamped by the PTO as being received on January 8, 2002, and the earliest date that Applicant filed a corresponding application in a foreign country was August 22, 2002. Therefore, it was not necessary for Applicant to file a notice of foreign filing, inasmuch as the Recission was received by the PTO prior to the first filing date of a counterpart application in an eighteen-month publication country.

It is respectfully requested that the Commissioner treat application Serial No. 09/942,899 as if the non-publication request were never made in view of Applicant's foregoing comments, and

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grant Applicant's Request for Withdrawal of the Petition, and if so granted, credit Deposit Account 15-0875 of Owens-Illinois, Inc., for the Petition fee. Any fees incurred by submission of this paper should be charged to Deposit Account 15-0875.

Respectfully submitted

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jmm

PTO/SB/97 (08-03)

Approved for use through 07/31/2008. OMB 0651-0031

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Attorney Docket No.: 17783 USA
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This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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